

Appl. No. : 10/714,759
Filed : November 17, 2003

REMARKS

Claims 1-21 are now pending in the present application, Claims 1-8 having been withdrawn from consideration, Claim 21 having been added, and Claim 9 having been amended. The claims set forth above include marking to show the changes made by way of the present amendment, deletions being in ~~strikeout~~ and additions being underlined.

Applicants would initially like to thank Examiner Kwon for the courteous telephonic interview extended to Applicants' counsel, Michael Giuliana, on June 8, 2005. During the interview, Examiner Kwon explained that the outstanding Restriction Requirement was based largely on the recitation of an "indicator" in Claim 9, as was clearly set forth in the outstanding Office Action. Applicants are grateful for Examiner Kwon's assistance and courteous explanation of the outstanding Office Action.

In response to the Official Action dated March 26, 2002, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Election

In response to the outstanding restriction requirement, Applicants elect Invention II(b) for prosecution in the present application.

As shown in the amendments set forth above, Applicants have amended Claim 9 to delete the recitation of an "indicator". The "indicator" feature has been included in new Claim 21, which depends from Claim 9. As amended, Claim 9 now recites "an electronic actuator capable of adjusting the air metering device between its maximum and minimum operating conditions, and a switch configured to selectively enable and disable the electronic actuator from operating the air metering device between its maximum and minimum operating conditions."

Further, dependent Claims 12 and 13, which depend from Claim 9, recite structures that allow the mechanical interface to be connected and disconnected from the throttle valve shaft. Thus, Applicants submit that the stated grounds for restriction between Claims 9-18 and Claims 19-20 are now moot and that Claims 9-21 should be examined together. Applicants note that because Claim 21 is dependent from Claim 9, the outstanding Restriction Requirement cannot be applied between Claims 9 and 21.

Applicants wish to note that Claim 9 was not amended for reasons of patentability. Rather, Claim 9 was amended merely to avoid the outstanding Restriction Requirement.

Appl. No. : 10/714,759
Filed : November 17, 2003

Thus, Applicants hereby reserve their right to prosecute the original version of Claims 9-18 through continuation practice.

CONCLUSION

The undersigned has made a good faith effort to respond to all of the issues raised in the outstanding official action and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 9, 2005

By: _____

Michael A. Giuliana
Registration No. 42,611
Attorney of Record
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
Customer No. 20,995
(949) 760-0404

1760552_1
060905